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RIGHTS OF THE CHILD

Written statement submitted by the Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 December 1994]

Child soldiers

Statement of the problem

1. Thousands of children as young as 9 and 10 years of age are used as soldiers in armed conflicts around the world. Many of these children are directly involved in fighting, often equipped with fully automatic assault rifles. Thousands have been killed - deprived of the most basic right, the right to life - and thousands more have been seriously wounded. Children themselves have killed and wounded civilians as well as opposing fighters. Many have taken part in terrible atrocities. These children bear appalling physical and psychological injuries.

2. Children sometimes serve with government armies and more often, with armed opposition groups. Sometimes they are conscripted by Governments, sometimes forcibly recruited by rebels. Some "volunteer" in order to survive. Many are tortured or treated brutally by the forces with which they serve. Some have died from abuse or starvation. All have been denied a normal childhood. Some have been forced to kill or torture others.

3. Rehabilitating these children and reintegrating them into their communities is an immensely difficult job.

International law regarding child soldiers

4. The United Nations Declaration on the Rights of the Child states that "the child, by reason of his physical and mental immaturity, needs special safeguards and care." The Convention states in the Preamble that "childhood is entitled to special care and assistance."

5. International humanitarian law (the laws of war) - the Geneva Conventions of 1949 and the two Additional Protocols of 1977 - require protection and treatment to be accorded to children in armed conflict that take into account their particular needs and vulnerabilities. Protocol I requires that parties to international armed conflicts take "all feasible measures in order that children who have not attained the age of 15 years do not take a direct part in hostilities, and in particular, shall refrain from recruiting them into their armed forces." Protocol II forbids the use of child soldiers under the age of 15 in internal armed conflicts.

6. International human rights law, as set forth in article 38 of the Convention on the Rights of the Child, provides that:

> "...
>
> "2. States Parties shall take all feasible measure to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.
>
> "3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces ... ."

7. The Convention requires Governments to promote the social reintegration of child victims of armed conflicts (art. 39).

8. In early 1994 the General Assembly established a working group to draft an optional protocol to the Convention on the Rights of the Child that would raise the minimum age at which children can serve in armed conflict. The working group met in October 1994 and will meet again in February 1995 to conclude drafting the protocol.

Experiences and findings of the Human Rights Watch Children's Rights Project

9. In July 1994, Human Rights Watch adopted a policy stating that children under the age of 18 should not take part in armed conflict. That policy resulted from our work on child soldiers in Liberia and Sudan.

10. Liberia. In April 1994, the Human Rights Watch Children's Rights Project and Human Rights Watch/Africa carried out a fact-finding mission to Liberia to investigate the use of children as soldiers in that ongoing conflict. We found that thousands of children under the age of 15 have taken part, often armed with fully automatic assault rifles. The main rebel forces, the National Patriotic Front of Liberia (NPFL) and the United Liberian Movement for Democracy in Liberia (ULIMO), have consistently used children under the age of 15 as fighters.

11. The widespread use of children as soldiers has ensured that many thousands of children in Liberia have suffered exceptional cruelties during the war. Many child soldiers have been killed or wounded, or have witnessed terrible atrocities in a period in which thousands of other children, too, have died. Moreover, many children have themselves taken part in killing, maiming or raping civilians, or looting civilian homes. Many have staffed military check-points throughout the country where they have harassed and sometimes killed civilians. Many were only 9 or 10 years old when they joined in the fighting.

12. All of the warring factions have forcibly recruited some children, but most child soldiers have joined voluntarily, often because they saw no other way to survive. Former child soldiers told Human Rights Watch that they had joined rebel forces for many reasons: to avenge the killings of parents, other family members or friends; to protect their families; or to get food. In some cases, children's families had been killed (sometimes beheaded before the child's eyes), no one was left to care for them, and they took the only option they thought they had.

13. Some children were subjected to cruel initiation rites on joining a rebel group in which they were forced to kill a captured opponent or commit some other atrocity in order to demonstrate that they would be reliable fighters. Child soldiers were themselves often cruelly treated by the factions to which they belonged.

14. Many former child soldiers suffer from symptoms of post-traumatic stress disorder: sleeplessness, nightmares, flashbacks, bedwetting, anxiety and depression.

15. Reintegrating these children into their communities is an immense task. Some children's parents have been killed; some families have fled, and no relatives can be found. In others, families have refused to take children back because of the violent acts the children have committed as fighters. In September 1994, we issued an 80-page report, Easy Prey: Child Soldiers in Liberia, reporting our findings and recommendations.

16. Sudan. In November 1994, the Human Rights Watch Children's Rights Project and Human Rights Watch/Africa released a report, The Lost Boys: Child Soldiers and Unaccompanied Boys in Southern Sudan, based largely on a fact-finding mission to Sudan. We reported that thousands of boys, some as young as 11 had been forced to fight in the civil war in Sudan. Hundreds of these children have been killed or wounded. Others have died of starvation or disease. Thousands of boys have been kept in large camps by the Sudan People's Liberation Army (SPLA); these boys become soldiers when needed by the SPLA. Initially, the SPLA encouraged many boys to leave their families and to go to refugee camps in Ethiopia for schooling. Other boys fled to the camps to escape government army abuses in their villages. Seventeen thousand boys ended up in SPLA camps. When needed, the boys were inducted into battalions known as the "Red Army", which one of its adult commanders described as made up of "young people, ages 14 to 16 ... . [When] the Red Army fought ... it was always massacred ... They were not good soldiers because they were too young."

17. The problems these boy soldiers will face when the war is over are immense. They have grown up knowing only military skills and may find it hard to fit into a peacetime economy, especially because of their familiarity with the SPLA's practice of requisitioning food at the point of a gun.

Recommendations

18. Human Rights Watch calls on the United Nations Commission on Human Rights to:

(a) Press all Member States and warring factions to disarm and demobilize immediately all child soldiers and to refrain from any further such exploitation of children. Under international humanitarian law, both Governments and warring factions are obligated to refrain from using children under 15 in armed conflict;

(b) Urge all Member States to take part in the United Nations working group currently drafting an optional protocol to the United Nations Convention on the Rights of the Child that would raise the minimum age of participation in armed conflict from 15 to 18;

(c) Press Member States to raise in their own countries the minimum age of participation in armed conflict from 15 to 18; and

(d) Urge Member States to take all possible steps to ease former child soldiers transitions from war to peaceful and productive lives, as required by article 39 of the Convention on the Rights of the Child.